

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SAMUEL MENDEZ

V.

NO.C.A.05-35Erie

DR. MARK BAKER, ET AL.

MOTION FOR APPOINTMENT OF COUNSEL

And Now, Comes the petitioner, Samuel Mendez, who moves this Court for an order appointing counsel to represent him in the above captioned matter.

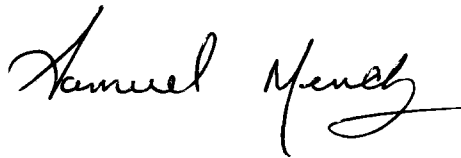
Legal authority for appointment and compensation of counsel is 28 U.S.C. § 1915(d) and 18 U.S.C. § 3006A(g) as interpreted in McClain v. Manson, 343 F. Supp. 382 (D. Conn. 1972).

Petitioner avers that he can not afford to retain private counsel and due to the complex medical issues involved would be at a disadvantage proceeding without counsel.

Wherefore, Petitioner prays this Court to appoint counsel to represent him in the above captioned matter.

Respectfully submitted,

Samuel Mendez, Plaintiff

A handwritten signature in cursive script, appearing to read "Samuel Mendez", is written in black ink.

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PROOF OF SERVICE

SAMUEL MENDEZ, do hereby declare under the penalty of perjury that he has this day caused to be served upon the defendants a true and correct copy of this legal action to The U.S. DISTRICT FOR THE WESTERN DISTRICT OF PENNSYLVANIA, by placing such copy into The U.S. Mail addressed as set forth below.

TO: RODNEY M. TORBIC
SENIOR DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
6th. FLOOR, MANOR COMPLEX
564 FORBES AVENUE
PITTSBURGH, PA 15219

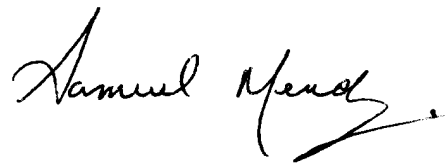
&

SAMUEL H. FOREMAN, ESQ.
SUITE 1450
TWO GATEWAY CENTER
603 STANWIX STREET
PITTSBURGH, PA 15222

&

ELIZABETH M. YANELLI, ESQUIRE
THE THIRTY-EIGHTH FLOOR
ONE OXFORD CENTRE
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SAMUEL MENDEZ
NO. CY-7322
801 BUTLER PIKE
MERCER, PA 16137



DATE: 9/29/05